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MAILED Paper No. 18

MAR 21 2003

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

DECISION ON PETITION

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In re Application of:
Andrew L. Laursen et al
Application No. 09/410,859
Filed: October 1, 1999

For: **METHOD AND APPARATUS FOR
ACCESSING A COMMON DATABASE
FROM A MOBILE DEVICE AND A
COMPUTING DEVICE**

This is in response to the Petition to withdraw the Holding of Abandonment for the above-identified application, filed December 23, 2002.

The application was abandoned for failure to respond in a timely and effective manner to a Non-Final Rejection mailed April 10, 2002. A Notice of Abandonment was mailed November 14, 2002.

Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date stamped post card receipt, indicating that an Amendment was received in the Patent and Trademark Office on July 15, 2002; and a copy of the response including a certificate of mailing of July 10, 2002.

The original response was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as a *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but not matched with the application file.

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff to have the Amendment entered. From there the application file will be forwarded to the examiner for consideration in due course.

Allen MacDonald, Director
Technology Center 2600
Communications